

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**Prior application: Examiner Wessendorf, T.Art Unit 1618Assistant Commissioner for Patents  
Box PATENT APPLICATION  
Washington, D.C. 20231

Sir:

This is a request for filing a ☒ continuation ☐ divisional application under 37 CFR § 1.53(b), of pending prior application no. 09/273,685 filed on March 22, 1999.

of Vernon L. Alvarez  
(inventor(s) currently of record in prior application)

for ANTIGEN BINDING PEPTIDES (ABTIDES) FROM PEPTIDE LIBRARIES  
(title of invention)

1. ☒ The filing fee is calculated below in view of paragraph 2 below:

**PATENT APPLICATION FEE VALUE**

| TYPE  | NO. FILED | LESS | EXTRA | EXTRA RATE   | FEE         |
|---|-----------|------|-------|--------------|-------------|
| Total Claims  | 39        | -20  | 19    | \$18.00 each | \$ 342.00   |
| Independent   | 9         | -3   | 6     | \$78.00 each | \$ 468.00   |
| Basic Fee   |           |      |       |              | \$ 690.00   |
| Multiple Dependency Fee<br>If Applicable (\$260.00)   |           |      |       |              | \$ 0.00     |
| Total   |           |      |       |              | \$ 1,500.00 |
| 50% Reduction for Independent Inventor, Nonprofit Organization or Small<br>Business Concern |           |      |       |              | - \$ 750.00 |
| Total Filing Fee  |           |      |       |              | \$ 750.00   |

2. ☒ Cancel without prejudice claims 13, 37-39, and 41-42 in this application before calculating the filing fee.
3. ☒ Please charge the required fee to Pennie & Edmonds LLP Deposit Account No. 16-1150. A copy of this sheet is enclosed.
4. ☒ Amend the specification by inserting on page 1, line 4, after "This application is" the following: --a continuation of copending U.S. Patent Application Serial No. 09/273,685, filed March 22, 1999, which in turn is a division of U.S. Patent Application Serial No. 08/488,161, filed June 7, 1995, now U.S. Patent No. 5,885,577, which in turn is--.

- 5a. ☐ Transfer the drawings from the prior application to this application and abandon the prior application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in the prior application file.
- 5b. ☒ New formal drawings are enclosed.
- 5c. ☐ Informal drawings are enclosed.
- 6a. ☐ Priority of application no. filed on in is claimed under 35 U.S.C. §119.
- 6b. ☐ The certified copy has been filed in prior application no. , filed .
7. ☒ The prior application is assigned of record to Cytogen Corporation at Reel 7657, Frame 0862.
- 8a. ☒ The Power of Attorney appears in the original papers in the prior application no. 08/488,161, filed June 7, 1995, of which prior application no. 09/273,685 is a division.
- 8b. ☒ A copy of the Declaration and Power of Attorney in prior application no. 08/488,161, filed June 7, 1995 is enclosed.
9. ☒ This application contains nucleic acid and/or amino acid sequences required to be disclosed in a Sequence Listing under 37 CFR §1.821-1.825. It is requested that the Sequence Listing in computer readable form from prior application no. 08/488,161, filed on June 7, 1995 be made a part of the present application as provided for by 37 C.F.R. §1.821(e). The sequences disclosed therein are the same as the sequences disclosed in this application. A copy of the paper Sequence Listing from application no. 08/488,161 is enclosed.
10. ☒ The undersigned states, under 37 C.F.R. §1.821(f), that the content of the enclosed paper Sequence Listing from application no. 09/273,685 is the same as the content of the computer readable form submitted in application no. 08/488,161.
11. ☐ Additional enclosures or instructions.

Respectfully submitted,

Date January 18, 2000

S. Leslie Misrock 18,872  
S. Leslie Misrock (Reg. No.)

By: Adriane M. Antler 32,605  
Adriane M. Antler

PENNIE & EDMONDS LLP  
1155 Avenue of the Americas  
New York, N.Y. 10036-2711  
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Please type a plus (+) inside this box -

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A

PTO/SB/29 (12/97)

Approved for use through 09/30/00. OMB 0651-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. 1101-226 Total Pages 151

First Named Inventor or Application Identifier

Vernon L. Alvarez

Express Mail Label No. EM 061 024 120 US

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO: Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

1. ☒ Fee Transmittal Form (2 pages, in duplicate)  
Submit an original, and a duplicate for fee processing [Total Pages 4]
2. ☒ Specification (preferred arrangement set forth below) [Total Pages 94]
  - Descriptive title of the Invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R&D
  - Reference to Microfiche Appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description of the Invention (including drawings, if filed)
  - Claim(s)
  - Abstract of the Disclosure
3. ☒ Drawing(s) (35 USC 113) [Total Sheets 9]
4. ☒ Oath or Declaration [Total Sheets 2]
  - a. ☐ Newly executed (original or copy)
  - b. ☒ Copy from a prior application (37 CFR 1.63(d))  
(for continuation/divisional with Box 17 completed)  
[Note Box 5 below]
  - i. ☐ DELETION OF INVENTORS(S)  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33 (b).
5. ☒ Incorporation By Reference (useable if Box 4b is checked)  
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
6. ☐ Microfiche Computer Program (Appendix)
7. ☒ Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
  - a. ☐ Computer Readable Copy
  - b. ☒ Paper Copy (identical to computer copy) [Total Pages 40]
  - c. ☐ Statement verifying identity of above copies

## ACCOMPANYING APPLICATION PARTS

8. ☐ Assignment Papers (cover sheet & document(s))
9. ☐ 37 CFR 3.73(b) Statement of Power of Attorney (when there is an assignee)
10. ☐ English Translation Document (if applicable)
11. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
12. ☐ Preliminary Amendment
13. ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
14. ☒ Small Entity ☒ Statement filed in prior application, Statement(s) Status still proper and desired [Total Pages 2]
15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. ☐ Other:

17. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No: 09/273,685 filed March 22, 1999.

## 18. CORRESPONDENCE ADDRESS

☒ Customer Number or Bar Code Label 20583 (Insert Customer No. or Attach bar code label here) or ☐ Correspondence address below

|         |  |  |           |          |     |
|---------|--|--|-----------|----------|-----|
| NAME    |  |  |           |          |     |
| ADDRESS |  |  |           |          |     |
| CITY    |  |  | STATE     |          |     |
| COUNTRY |  |  | TELEPHONE | ZIP CODE | FAX |

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: ☒ Application of: Alvarez  
☐ Patent of:

☒ Serial No.: 08/488,161  
☐ Patent No.:

Group Art Unit:

☒ Filed: June 7, 1995  
☐ Issued:

Examiner:

For: ANTIGEN BINDING PEPTIDES (ABTIDES) Attorney Docket No.: 1101-176  
FROM PEPTIDE LIBRARIES

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
[37 CFR 1.9(f) and 1.27(c)] - Small Business Concern

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

I hereby declare that I am

- ☐ the owner of the small business concern identified below:  
☒ an official of the small business concern empowered to act in behalf of  
the concern identified below:

Name of concern Cytogen Corporation

Address of concern 600 College Road East  
Princeton, NJ 08540

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the person employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern and/or there is an obligation under contract or law by the inventor(s) to convey rights to the small business concern with regard to the invention, entitled "ANTIGEN BINDING PEPTIDES (ABTIDES) FROM PEPTIDE LIBRARIES" by inventor(s) Alvarez described in

- ☐ the specification filed herewith  
☒ application serial no. 08/488,161 filed June 7, 1995.  
☐ patent no. issued

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below and no

rights to the invention are not by any person, other than the inventor, who could not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

FULL NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

☐ INDIVIDUAL

☐ SMALL BUSINESS CONCERN

☐ NONPROFIT  
ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. [37 CFR 1.28 (b)]

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, and patent issuing thereon, or any patent to which this verified statement is directed.

Send correspondence to: PENNIE & EDMONDS  
1155 Avenue of the Americas  
New York, N.Y. 10036-2711

Direct Telephone calls to:  
PENNIE & EDMONDS  
(212) 790-9090

Name of person signing Richard J. Walsh

Title of person other than owner Vice President of Corporate Development

Address of person signing 600 College Road East  
Princeton, NJ 08540

Signature \_\_\_\_\_

Date 8/4/95

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

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